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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REPLY TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF**Atty. Docket No. (Opt.)
VIGN1410

Applicants

Robin D. Wilson, et al.

Application Number

09/989,814

Filed

11/20/2001

For

HIERARCHICAL ASSET SHARING MODEL

Group Art Unit

2178

Examiner

Paula, Cesar B.

Confirmation No.

1585**MAIL STOP APPEAL BRIEF-PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

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A Notification of Non-Compliant Appeal Brief was mailed on April 24, 2007 indicating the evidentiary appendices to the Appeal Brief filed on March 1, 2007 did not comply with 37 CFR 41.37(c)(1)(ix). Applicant submits herewith a corrected version of the Appeal Brief filed on March 1, 2007, in which the appendices have been appropriately corrected. Applicant believes that this Appeal Brief as corrected is now in compliance with 37 CFR 41.37.

While Applicants believe no further fees are due and owing, the Commissioner is hereby authorized to deduct any deficiency or credit any overpayment to Deposit Account 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
 Attorneys for Applicant
Dated: 5/09/07Arif G. Akmal

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Brenda Cross

Printed Name

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Signature

Further to the Notice of Appeal filed December 15, 2006, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated February 2, 2007, Appellant presents this Appeal Brief. Appellant respectfully requests that this appeal be considered by the Board of Patent Appeals and Interferences.

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I. REAL PARTY IN INTEREST

The subject application is owned by Vignette Corporation, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having its principal place of business at 1301 S. MoPac Expressway, Suite 100, Austin, TX 78746.

II. RELATED APPEALS AND INTERFERENCES

Appellants believe that there are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-29 were originally filed in the parent application. Claim 30 was added by Appellant's Response to Office Action dated June 15, 2006. Claims 9-16 and 20 have been withdrawn. Claims 1-8, 17-19 and 21-30 stand rejected. Claims 1-8, 17-19 and 21-30 which are rejected under 35 U.S.C. §103, are the subject of this appeal. Claims 17-19 stand additionally rejected under 35 U.S.C. §112, first paragraph. A copy of claims 1-8, 17-19 and 21-30 as on appeal is included in the Appendix hereto.

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection. The amendment to the application, filed on February 4, 2005, amended Claims 1, 9, 17 and 20. The amendment to the application, filed on August 16, 2005, amended Claims 21, 23 and 26-29 and cancelled Claims 9-16 and 20. The amendment to the application filed on December 21, 2005, amended Claims 8 and 17. The amendment to the application filed on June 15, 2006, amended Claims 1, 17 and 21 and added Claim 30. The Appendix hereto reflects the current state of the claims which are the subject of this appeal.

V. SUMMARY OF THE INVENTION

Generally, the invention comprises systems and methods for sharing assets between web sites (See Application, "App," summary of the invention, ¶¶ 7, 9, 26 and p. 4, ll. 5-8). More particularly, embodiments of the present invention allow for the sharing of assets between web sites which are hierarchically related without having to re-write code for the web-sites or necessarily make copies of the assets so that they may be shared (See App ¶¶ 10, 41). This sharing may occur according to one of four modes: NONE, CO-OWN, INHERIT or IMPOSE. (See App ¶¶ 26, 29, 31-38, 45-47). Thus, assets of a parent web site may be associated with one of the four modes with respect to the particular child web site (See App ¶¶, 53-57) and the child web site may share these assets with the parent web site according to the mode associated with each of the assets.

More particularly, if an asset is shared between a parent web site and a child web site according to the NONE mode, the child cannot share the asset with the parent web site. If the asset is shared between the parent web site and the child web site using the "IMPOSE" mode the child web site can utilize the asset as-is and cannot modify or delete the asset. If the asset is shared between the parent web site and the child web site using the "INHERIT" mode the child web site can utilize the asset as-is and changes made to the asset at the parent web site are reflected at the child web site. Under this asset sharing mode if the child web site wishes to modify the asset a copy of the asset is made and the modifications are made to the copy of the asset which is then stored at the child web site. If the asset is shared between the parent web site and the child web site using the "CO_OWN" mode the child web site can utilize, modify or delete the asset. Any changes (e.g. modifications or deletions) made to the asset at the child web site are reflected at the parent web site. Likewise, changes made to the asset at the parent web site are reflected at the child web site. (See App ¶¶ 26, 29, 31-38, 45-47)

This sharing may be accomplished through the use of a reference to the parent's assets (See App, ¶¶ 28, 45-47). Thus, if an asset is shared between a parent web site and a child web site (e.g. using the "INHERIT" mode) it may be "copied on change," meaning that if a child-web site wishes to modify a reference asset, a copy of the asset is made and the modifications are made to the copy of the asset and the copy stored at the child site. After the asset has been copied it is no longer shared with the parent web site. (See App, ¶¶ 28, 33-37, 45-47). In this manner, embodiments of the present invention allow assets or features of a website such as images, documents, page layout components etc. to be shared among web-sites which have a

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hierarchical relationship with one another.

Specifically with respect to the independent claims here issue:

Claim 1 recites:

A web site system comprising:
a server; and
two or more web sites operating on the server;
wherein one of the web sites is a parent and one of the web sites is a child of the parent; and
wherein the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of:
a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset,
a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and
a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.

The embodiment of the invention recited in Claim 1, is a web site system having a server with two or more web sites operating on the server (See App, ¶¶ 8, 10, 28), wherein "one of the web sites is a parent and of the web sites is a child of the parent" (See App, ¶¶ 8, 10, 28, 42). The "parent has one or more assets that are used in the presentation of the web site" (See App, ¶¶ 40-43). These assets may be shared between the parent web site and the child web site using "one of a set of modes consisting of a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset, a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset." (See App ¶¶ 26, 29, 31-38, 45-47)

Claim 17 recites:

A method at least partially performed by a computer program, the method comprising:
selecting an asset of a first object, wherein the asset is used in the presentation of a web site; and
sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure;
wherein sharing the selected asset comprises enabling the second object to utilize the selected asset until the second object attempts to

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modify the selected asset, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset.

The embodiment of the invention recited in Claim 17, is a method for sharing assets between two objects. This method includes "selecting an asset of a first object, wherein the asset is used in the presentation of a web site" (See App, ¶¶ 40-43, 49), "sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure" (See App, ¶¶ 8, 10, 28, 42, 48). "[S]haring the selected asset comprises enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset" (See App ¶¶ 26, 29, 31-38, 45-47).

Claim 21 recites:

A computer readable medium containing instructions configured to cause a computer to perform the method comprising:
selecting two objects which have a hierarchical relationship wherein a first one of the objects is a parent of a second one of the objects;
selecting one or more assets used in the presentation of the web site of the first object; and
sharing the selected assets of the first object with the second object, wherein each of the selected assets is shared using a mode chosen from a group consisting of
a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset,
a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset, and
a third mode in which the first object can utilize and modify the asset, but wherein the second object can utilize the asset until the second object attempts to modify the asset, at which time a copy of the asset is generated and the second object can utilize and modify the copy of the asset; and
wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes.

The embodiment of the invention recited in Claim 21, is a computer program product for sharing assets between two objects. This method includes "selecting two objects which have a hierarchical relationship wherein a first one of the objects is a parent of a second one of the

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objects” (See App, ¶¶ 42, 46), “selecting one or more assets used in the presentation of the web site of the first object” (See App, ¶¶ 40-43, 49), “sharing the selected assets of the first object with the second object, wherein each of the selected assets is shared using a mode chosen from a group consisting of a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset, a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset, and a third mode in which the first object can utilize and modify the asset, but wherein the second object can utilize the asset until the second object attempts to modify the asset, at which time a copy of the asset is generated and the second object can utilize and modify the copy of the asset; and wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes” (See App ¶¶ 26, 29, 31-38, 45-47).

Claim 30 recites:

A web site system comprising:
two or more web sites;
wherein one of the web sites is a parent and one of the web sites is a child of the parent; and
wherein the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using a set of modes comprising:
a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset,
a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and
a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.

The embodiment of the invention recited in Claim 30, is a web site system having “two or more web sites” (See App, ¶¶ 8, 10, 28), wherein “one of the web sites is a parent and of the web sites is a child of the parent” (See App, ¶¶ 8, 10, 28, 42). The “parent has one or more assets that are used in the presentation of the web site” (See App, ¶¶ 40-43). These assets may be shared between the parent web site and the child web site using “one of a set of modes consisting of a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset, a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child

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attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.” (See App ¶¶ 26, 29, 31-38, 45-47).

VI. GROUNDS OF REJECTION AT ISSUE

Whether Claims 1-8 are unpatentable under 35 U.S.C. §103 over Yahoo (MyYahoo.com Help Pages, Archive.org, 1999) in view of Nazem, (U.S. Patent No. 5,983,227).

Whether Claims 17-19, 21-29 and Claim 30 are unpatentable under 35 U.S.C. §103 over Yahoo (MyYahoo.com Help Pages, Archive.org, 1999) in view of Kelly (U.S. Published Patent Application No. 2002/00781040).

Whether Claims 17-19 are unpatentable under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement.

VII. GROUPING OF CLAIMS

Claims 1-8 and 21-30 stand or fall together.

Claim 17-19 stand or falls together.

VIII. ARGUMENT

1. Introduction

The primary point of contention between the Appellant and the Examiner is rooted in the disclosure of the prior art. The Appellant submits that the prior art does not disclose all the limitations of the present claims. More specifically Appellant submits that the Yahoo prior art does not disclose limitations of the present claims. The Examiner, on the other hand, asserts that limitations of the claims are disclosed in the Yahoo prior art. The issue on appeal is whether these limitations are indeed disclosed by the Yahoo prior art.

A secondary point of contention between the Appellant and the Examiner is based on

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the issue of whether a claim limitation which recites "making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset" is enabled by the specification. The Appellant believes this limitation is enabled by the specification while the Examiner asserts that it is not.

Claims 1-8 and 21-30 are potentially separately patentable from claim 17-19 because Claims 1-8 and 21-30 stand rejected only under 35 U.S.C. §103, while Claim 17-19 stands rejected under both 35 U.S.C. §103 and 35 U.S.C. §112.

2. Yahoo Prior Art

The Yahoo (MyYahoo.com Help Pages, Archive.org, 1999) prior art comes from a web site called the "Internet Archive" (www.archive.org), which preserves internet pages. Thus, the Yahoo prior art cited by the Examiner is a set of screen captures obtained from this Internet Archive. These screen captures are the way certain screens of the Yahoo website (www.yahoo.com) appeared at some point in the past. Pages 1-6 and 10-11 are depicted below to assist in an understanding of the arguments herein:

Front page for [Quest] page 1 of 4

FROM PAGE (or [Guest]) Page 2 of 2

Yahoo! Help - My Yahoo! Page 2 of 2

Personalize This Page - Add content to my Yahoo! Personalize Layout

friend's house.

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3. Rejections Under 35 U.S.C. §103

The Examiner rejected Claims 1-8 under 35 U.S.C. §103 over Yahoo (MyYahoo.com Help Pages, Archive.org, 1999) in view of Nazem, (U.S. Patent No. 5,983,227). The Examiner rejected Claims 17-19, 21-29 and 30 under 35 U.S.C. §103 over Yahoo in view of Kelly (U.S. Published Patent Application No. 2002/00781040). In order to establish a prima facie case of obviousness, the Examiner must show that three criteria are met (M.P.E.P. 2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (id.) Second, there must be a reasonable expectation of success (id.) Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (id.) The Appellant respectfully submits that the Examiner has failed to establish that the prior art references teach all of the limitations of the claims. This deficiency will be explained in more detail below in conjunction with a review of the Examiner's assertions with respect to these limitations and the prior art.

3.1. Claim 1

3.1.1. Examiner's Assertions Regarding Claim 1

Claim 1 of the Application at issue recites the limitations of:

a server; and
two or more web sites operating on the server;
wherein one of the web sites is a parent and one of the web sites is a child of the parent; and
wherein the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of
a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset,
a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and
a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.

Regarding Claim 1 the Examiner states in the Office Action mailed on September 15 ,2006 that:

"Yahoo discloses a main website –Yahoo.com—having many personalized versions of the main websites – *wherein one of the web sites is a parent and one of the web sites is a child of the parent* (pages 1-3).

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Moreover, Yahoo teaches that the main website contains assets, such as news, weather, stock process, sports scores, etc., which are shared with the personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites (pages 1-6, 10-11) – *wherein the parent has one or more assets and wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset.*

Furthermore, Yahoo teaches that the main website contains assets, such as news weather, stock prices, sports scores, etc., which are shared with the personalized websites. The main website, and the user have the ability to configure the Yahoo website, as the main website and the personalized website that incorporates many of the content of main website (pages 1-6, 10-11) – *a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset.*

The Examiner notes the Yahoo fails to explicitly disclose: *two or more web sites operating on the server...* however the Examiner asserts this deficiency is remedied by Nazem.

The Examiner has not pointed out in Yahoo (or indeed in the secondary Nazem reference) where the limitation of Claim 1 reciting “a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset” is disclosed.

3.1.2. Refutation of Examiner's Assertions Regarding Claim 1 and the Yahoo Prior Art

The Examiner first asserts that the limitation of Claim 1 which recites “two more web sites operating on the server; wherein one of the web sites is a parent and one of the web sites is a child of the parent,” is disclosed at Yahoo pages 1-3. Specifically the Examiner asserts that many personalized versions (e.g. “MyYahoo” pages) of a main website (e.g. “Yahoo” page) are disclosed and thus a parent web site (e.g. “Yahoo” page) and a child web site (e.g. “MyYahoo” page) are disclosed by Yahoo.

Pages 1-3 of Yahoo (depicted above) do not, however, disclose two web sites wherein one of the web sites is a parent and one of the web sites is a child as asserted by the Examiner. More particularly, page 1 of Yahoo discloses a screen capture of the “Yahoo” page, while pages 2 and 3 of Yahoo disclose a screen capture of an example “MyYahoo” page. There is nothing in pages 1-3 of Yahoo, or anywhere else in the cited Yahoo reference, which indicates that the

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"Yahoo" page and a "MyYahoo" page are in a hierarchical relationship with one another.

Though page 4 of Yahoo discloses that "My Yahoo" is a personalized version of "Yahoo" this does not mean, as asserted by the Examiner, that the "Yahoo" page and the "MyYahoo" page are in a hierarchical (e.g. parent/child relationship). Instead this indicates that the "Yahoo" front page and the "My Yahoo" front page are similarly branded under the "Yahoo" brand name and that content which may be accessed through a "Yahoo" page may also be accessed or displayed in conjunction with a "MyYahoo" page. In other words, even though page 4 of Yahoo discloses that, "My Yahoo! allows you to collect your favorite parts of Yahoo! all into one place" it does not disclose how this collection is accomplished and indeed does not disclose any relationship whatsoever between the "Yahoo" page and a "My Yahoo" page.

Consequently, as there is nothing that indicates that the "MyYahoo" page screen capture is hierarchically related to the "Yahoo" page screen capture, pages 1-3 of Yahoo, and Yahoo generally, does not disclose "two more web sites operating on the server; wherein one of the web sites is a parent and one of the web sites is a child of the parent" as recited by Claim 1.

The Examiner also asserts that the limitations of Claim 1 which recite that "the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset, a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset" is disclosed in pages 1-6 and 10-11 of Yahoo.

Specifically, the Examiner states that "Yahoo teaches that the main website contains assets, such as news, weather, stock process, sports scores, etc., which are shared with the personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites" and that "the main website, and the user have the ability to configure the Yahoo website, as the main website and the personalized website that incorporates many of the content of main website."

While Appellant concedes that Yahoo discloses that similar content that may be reached through a "Yahoo" page may also be displayed on a "My Yahoo" page there is nothing in Yahoo which discloses how this functionality is accomplished. With respect to Claim 1, there is nothing in Yahoo which discloses that this content is derived from, or comprises, assets which are

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shared between a "Yahoo" page and a "My Yahoo" page. For example, it is feasible that the "Yahoo" page and a "MyYahoo" page may display the same content by virtue of "copying the assets from one web site to another," instead of sharing an asset. (See, Application, Description of Related Art, Paragraph [0005]).

As Yahoo does not disclose the sharing of assets, Yahoo certainly does not disclose that assets are shared "in a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset" or "a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset."

With respect to "a first mode of operation in which both the parent and child utilize the asset, but only the parent can modify the asset," while the content of a "MyYahoo" page may change, there is no disclosure within the Yahoo reference that this content has been modified by the "Yahoo" page or functionality associated with the "Yahoo" page; the content may just as easily be changed independently from any content on the "Yahoo" page and the "Yahoo" page itself.

With respect to "a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset," the assertions of the Examiner with respect to this limitations state that "the main website, and the user have the ability to configure the Yahoo website, as the main website and the personalized website that incorporates many of the content of main website" do not even imply that this content is shared according to such a second mode, and indeed Yahoo does not disclose such a mode of operation. Again, while the content of a "MyYahoo" page may change, there is no disclosure within the Yahoo reference that this content has been modified in the "Yahoo" page. In fact, if Yahoo were to operate this way (e.g. according to the second mode), if a "MyYahoo" page personalized for a particular user were modified by the user these modifications would be reflected on the "Yahoo" page itself. Surely this is not the intended or desired operation of the "Yahoo" page with respect to modification of content in a personalized "MyYahoo" page.

As Yahoo does not disclose two hierarchically related web sites, the sharing of assets, a first mode of sharing assets where both the parent and child can utilize the asset, but only the parent can modify the asset and a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset Yahoo does not disclose the limitations of Claim 1 which the Examiner asserts Yahoo discloses. Namely, Yahoo does not

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disclose two or more web sites operating on the server; wherein one of the web sites is a parent and one of the web sites is a child of the parent; and wherein the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset and a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset.

3.1.3. Examiner Has Failed To Make A Prima Facie Case Of Obviousness Under 35 U.S.C. §103

As can be seen from the above argument the Yahoo reference on which the Examiner relies on for the disclosure of certain limitations of Claim 1 does not actually disclose these limitations.

Additionally, with respect to Claim 1, the Examiner has not even bothered to point out in Yahoo (or indeed in the secondary Nazem reference) where the limitation of Claim 1 reciting "a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset" is disclosed. However, as Yahoo does not disclose the sharing of assets between hierarchically related web sites it certainly does not disclose a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset as recited in Claim 1. Furthermore, Nazem does not remedy this deficiency.

As the Examiner has failed to show both that the combination of the cited references discloses all the limitations of Claim 1 (and indeed has failed to point where one limitation is disclosed altogether) the Examiner has failed to meet the criteria set forth in M.P.E.P. 2143 for a prima facie case of obviousness. Accordingly, the Appellant requests that the rejection of Claim 1 under 35 U.S.C. §103 be withdrawn.

3.2 Claim 17

3.2.1. Examiner's Assertions Regarding Claim 17

Claim 17 of the Application at issue recites the limitations of:

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selecting an asset of a first object, wherein the asset is used in the presentation of a web site; and
sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure;
wherein sharing the selected asset comprises enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset.

Regarding Claim 17, the Examiner states in the Office Action mailed on September 15, 2006

that:

"it is believed that Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites,. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of main website. However, there are certain assets that cannot be modified by the user personalize the websites. The user can also rearrange the content in the personalized website (pages 1-11)—selecting an asset of a first object, and sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure, wherein sharing the selected asset comprises enabling the first object to utilize and modify the selected asset."

The Examiner has cited Kelly for the teaching of enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset.

3.2.2. Refutation of Examiner's Assertions Regarding Claim 17 and the Yahoo Prior Art

The Examiner asserts first that the limitations of Claim 17 which recites "selecting an asset of a first object, wherein the asset is used in the presentation of a web site; and sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure is disclosed at Yahoo pages 1-11. Specifically the Examiner asserts that these limitations are disclosed because "a user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of main website. However, there are certain assets that cannot be modified by the user personalize the websites. The user can also

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rearrange the content in the personalized website”

As stated above with respect to Claim 1 Yahoo does not disclose two web sites wherein one of the web sites is a parent and one of the web sites is a child as asserted by the Examiner. More particularly, there is nothing in Yahoo which indicates that the “Yahoo” page and the “MyYahoo” page are in a hierarchical relationship with one another.

Additionally, as discussed above, while Yahoo discloses that similar content may be reached through a “Yahoo” page or displayed on a “My Yahoo” page there is nothing in Yahoo which discloses how this functionality is accomplished. Thus, there is nothing in Yahoo discloses that this content comprises assets which are shared between a “Yahoo” page and a “My Yahoo” page.

As Yahoo does not disclose two hierarchically related web sites, the sharing of assets, a first mode of sharing assets where both the parent and child can utilize the asset, but only the parent can modify the asset and a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset Yahoo does not disclose the limitations of Claim 1 which the Examiner asserts Yahoo discloses. Namely, Yahoo does not disclose, “selecting an asset of a first object, wherein the asset is used in the presentation of a web site; and sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure, as recited in Claim 17.

3.2.3. Examiner Has Failed To Make A Prima Facie Case Of Obviousness Under 35 U.S.C. §103

As can be seen from the above argument the Yahoo reference on which the Examiner relies on for the disclosure of certain limitations of Claim 17 does not actually disclose these limitations. Thus, the combination of the

As the Examiner has failed to show that the combination of the cited Yahoo and Kelly references discloses all the limitations of Claim 17 the Examiner has failed to meet the criteria set forth in M.P.E.P. 2143 for a prima facie case of obviousness. Accordingly, the Appellant requests that the rejection of Claim 17 under 35 U.S.C. §103 be withdrawn.

3.3 Claim 21

3.3.1. Examiner's Assertions Regarding Claim 21

Claim 21 of the Application at issue recites the limitations of:

selecting two objects which have a hierarchical relationship wherein a first one of the objects is a parent of a second one of the objects; selecting one or more assets used in the presentation of the web site of the first object; and sharing the selected assets of the first object with the second object, wherein each of the selected assets is shared using a mode chosen from a group consisting of a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset, a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset, and a third mode in which the first object can utilize and modify the asset, but wherein the second object can utilize the asset until the second object attempts to modify the asset, at which time a copy of the asset is generated and the second object can utilize and modify the copy of the asset; and wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes.

Regarding Claim 21, the Examiner states in the Office Action mailed on September 15 ,2006 that

Yahoo discloses a main website – Yahoo.com—having many personalized versions of the main website – *selecting two objects which have a hierarchical relationship where a first one of the objects is a parent of a second one of the objects* (pages 1-3).

Moreover, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites (pages 1-6, 10-11) – *selecting one or more assets of the first object: and sharing the selected assets of the first object with the second object. wherein each of the selected assets is shared using a mode chosen from a group consisting of a first mode in which both the first and second objects can utilize the assets, but only the first object can modify the asset.*

Further, Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the personalized website. The main website, and the user have the ability to configure the Yahoo website, as the main website and the personalize website that incorporates many of the content of the main website (pages 1-6, 10-11)—*a second mode in which both he first and second objects can utilize the asset, and both the first and second*

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objects can modify the asset.

Furthermore, Yahoo teaches adding additional pages to the personalize site adding, removing, rearrange the personalized content—*wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes* (pages 1-6, 15-16).

The Examiner has not pointed out in Yahoo where the limitation of Claim 21 reciting “a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset” is disclosed.

3.3.2. Refutation of Examiner's Assertions Regarding Claim 21 and the Yahoo Prior Art

The Examiner assertions with respect to Claim 21 substantially mirror his assertions with respect to Claim 1, discussed above. Thus, Appellant submits that the above arguments presented with respect to Claim 1 and Yahoo presented above applies equally well here. Namely, Yahoo does not disclose two hierarchically related web sites, the sharing of assets, a first mode of sharing assets where both the parent and child can utilize the asset, but only the parent can modify the asset and a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset.

Furthermore, as Yahoo does not disclose the sharing of assets, as discussed above with respect to Claim 1, Yahoo also does not disclose the limitations of Claim 21 “wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes”

3.3.3. Examiner Has Failed To Make A Prima Facie Case Of Obviousness Under 35 U.S.C. §103

As can be seen from the above argument the Yahoo reference on which the Examiner relies on for the disclosure of certain limitations of Claim 21 does not actually disclose these limitations.

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Additionally, with respect to Claim 21, the Examiner has not even bothered to point out in Yahoo where the limitation of Claim 21 reciting "a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset" is disclosed. However, as Yahoo does not disclose the sharing of assets between hierarchically related web sites it certainly does not disclose a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset as recited in Claim 21.

As the Examiner has failed to show both that the combination of the cited references discloses all the limitations of Claim 21 the Examiner has failed to meet the criteria set forth in M.P.E.P. 2143 for a prima facie case of obviousness. Accordingly, the Appellant requests that the rejection of Claim 17 under 35 U.S.C. §103 be withdrawn.

3.4 Claim 30

3.4.1. Examiner's Assertions Regarding Claim 30

Claim 30 of the Application at issue recites the limitations of:

two or more web sites;
wherein one of the web sites is a parent and one of the web sites is a child of the parent; and
wherein the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using a set of modes comprising:
a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset,
a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and
a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.

Regarding independent claim 30, The Examiner states in the Office Action mailed on September 15, 2006 that

Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., which are shared with the

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personalized websites. A user is allowed to configure a version of the Yahoo website, so that it incorporates many of the content of the main website. However, there are certain assets that cannot be modified by the user personalizing the websites. The user can also rearrange the content in the personalized website (pages 1-11)—*two or more web sites; wherein one of the web sites is a parent and one of the web sites is a child of the parent; and wherein the parent has one or more assets used in the presentation of the web site and wherein the parent and child are configured to share each of the assets using a set of modes comprising: a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset, a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset,*

The Examiner has cited Kelly for the teaching of a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.

3.4.2. Refutation of Examiner's Assertions Regarding Claim 30 and the Yahoo Prior Art

The Examiner assertions with respect to Claim 30 substantially mirror his assertions with respect to Claim 1, discussed above. Thus, Appellant submits that the above arguments presented with respect to Claim 1 and Yahoo presented above applies equally well here. Namely, Yahoo does not disclose two web sites where one web site is a parent and one of the web sites is a child of the parent, the sharing of assets, a first mode of sharing assets where both the parent and child can utilize the asset, but only the parent can modify the asset and a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset

3.4.3. Examiner Has Failed To Make A Prima Facie Case Of Obviousness Under 35 U.S.C. §103

As can be seen from the above argument the Yahoo reference on which the Examiner relies on for the disclosure of certain limitations of Claim 21 does not actually disclose these limitations.

As the Examiner has failed to show both that the combination of the cited references discloses all the limitations of Claim 30 the Examiner has failed to meet the criteria set forth in M.P.E.P. 2143 for a prima facie case of obviousness. Accordingly, the Appellant requests that

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the rejection of Claim 17 under 35 U.S.C. §103 be withdrawn.

3.5 Dependent Claims 2-7, 18, 19 and 22-28

As dependent Claims 2-7, 18, 19 and 22-28 depend from Claims 1, 17 or 21, Applicant believes that the above arguments presented with respect to Claim 1, 17 and 21 apply equally well to these claims. Accordingly, Applicant believes the Examiner has failed to meet the criteria set forth in M.P.E.P. 2143 for a prima facie case of obviousness with respect to Claims 2-7, 18, 19 and 22-28. Accordingly, the Appellant requests that the rejection of Claims 2-7, 18, 19 and 22-28 under 35 U.S.C. §103 be similarly withdrawn.

3.6 Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner has rejected Claims 17-19 under 35 U.S.C. § 112 first paragraph as failing to comply with the enablement requirement. More particularly, the Examiner cites the limitation of Claim 17 which recites "disabling the second object's ability to utilize the selected asset," stating that, "[i]t is still believed that the specification does not appear to describe this limitation in a way that enables one of ordinary skill in the art at the time of the invention to disable the ability to use the asset." (See September 15 Office Action, Page 3, Lines 3-5).

Applicant notes that the fact that a claim limitation may lack descriptive support in the disclosure as originally filed does not necessarily mean that the limitation is also not enabled. Furthermore, when the subject matter is not in the specification portion of the application as filed but is in the claims, the limitation in and of itself may enable one skilled in the art to make and use the claim containing the limitation. See M.P.E.P. § 2164

In this case, however, the limitation which the Examiner claims is not enabled is specifically described in the Specification at paragraph [0045] which states that "[i]f the child site wishes to modify the asset, the modifications are made to a copy of the asset, which is then stored by the child site. The reference to the original asset is also retained by the child site, but it is disabled." Similar descriptions relating to this limitation can be found at many other places within the Specification of the Current Application, including at least in Paragraphs [0007], [0008], [0026], [0031], [0034], [0037] and [0052]. A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be

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patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. § 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. See M.P.E.P. § 2164.

Furthermore, in order to make a rejection under 35 U.S.C. § 112, first paragraph, the Examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. *In re Wright*, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993) (examiner must provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure). As stated by the court in *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971) "it is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain *why* it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there would be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure." According to *In re Bowen*, 492 F.2d 859, 862-63, 181 USPQ 48, 51 (CCPA 1974), the minimal requirement is for the Examiner to give reasons for the uncertainty of the enablement.

Here, the Examiner has offered no supporting evidence or reasonable explanation why he believes Claims 17-19 are not enabled by the specification of the Current Application, rejecting Claims 17-19 off-hand with the statement that he "believes that the specification does not appear to describe this limitation" in an enabling manner. (See September 15 Office Action Page 3, Lines 3-5) Moreover, Applicant notes that Claims 17-19 are in a state substantially similar to their condition in the original filing of the current application, and that neither of the previous Office Actions issued on October 5, 2004 or May 18, 2005 contain a similar rejection of these claims under 35 U.S.C. § 112 first paragraph. In fact, in the May 18, 2005 Office Action these very claims (i.e. Claims 17-19) were deemed allowed by the very same Examiner who now believes that these claims are not enabled.

Applicant submits that the baseless and unsupported beliefs of the Examiner with respect to previously allowed Claims 17-19 are insufficient grounds for rejecting Claim 17-19 under 35 U.S.C. § 112 first, paragraph. Accordingly, the Appellant requests that the rejection of Claims 17-19 under 35 U.S.C. § 112 first paragraph be withdrawn.

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4. Conclusion

As explained above, the Appellant believes the Examiner has failed to make a prima facie case of obviousness under 35 U.S.C. §103, and that the corresponding rejection of claims 1-8, 17-19 and 21-30 should properly be withdrawn. Similarly, the Appellant believes the Examiner's rejection of claim 17-19 for lack of enablement under 35 U.S.C. §112 is improper and should be withdrawn. The Appellant therefore respectfully requests that all of the rejections be withdrawn and that all the pending claims be allowed.

Respectfully submitted,
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IX. APPENDICES

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APPENDIX A

Claims

1. A web site system comprising:
a server; and
two or more web sites operating on the server;
wherein one of the web sites is a parent and one of the web sites is a child of the parent;
and
wherein the parent has one or more assets used in the presentation of the web site and
wherein the parent and child are configured to share each of the assets using
one of a set of modes consisting of
a first mode in which both the parent and child can utilize the asset, but only the
parent can modify the asset,
a second mode in which both the parent and child can utilize the asset, and both
the parent and child can modify the asset, and
a third mode in which the parent can utilize and modify the asset, but wherein the
child can utilize the asset until the child attempts to modify the asset, at
which time a copy of the asset is generated and the child can utilize and
modify the copy of the asset.
2. The web site system of claim 1 wherein one of the web sites is a descendant of the child
site and wherein the child and the descendant are configured to share one or more assets of the
child using one or more of the first, second and third modes.
3. The web site system of claim 2 wherein if an asset shared between the child and the
descendant is also shared between the parent and the child, the asset is shared between the
child and the descendant in a mode which is no less restrictive than the mode in which the asset
is shared between the parent and the child.
4. The web site system of claim 1 wherein the parent and the child share a plurality of
assets as a set.
5. The web site system of claim 1 wherein the parent and the child share one or more
assets individually.

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6. The web site system of claim 1 wherein the parent has one or more assets which are not shared with the child.

7. The web site system of claim 1 wherein the child has one or more assets which are not shared with the parent.

8. The web site system of claim 1 wherein each web site is operable to share assets only with direct descendants of the web site.

9-16 Cancelled

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17. A method at least partially performed by a computer program, the method comprising:
selecting an asset of a first object, wherein the asset is used in the presentation of a web site; and
sharing the selected asset with a second object, wherein the second object is a child of the first object in a hierarchical structure;
wherein sharing the selected asset comprises enabling the second object to utilize the selected asset until the second object attempts to modify the selected asset, making a copy of the selected asset when the second object attempts to modify the selected asset and thereafter disabling the second object's ability to utilize the selected asset and enabling the second object to modify and utilize the copy of the selected asset.
18. The method of claim 17 further comprising sharing a second asset of the first object with the second object, wherein sharing the second asset comprises enabling the first object to utilize and modify the second asset, enabling the second object to utilize the second asset and preventing the second object from modifying the second asset.
19. The method of claim 17 further comprising sharing a second asset of the first object with the second object, wherein sharing the second asset comprises enabling the first object and the second object to utilize and modify the second asset.
20. Cancelled

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21. A computer readable medium containing instructions configured to cause a computer to perform the method comprising:

selecting two objects which have a hierarchical relationship wherein a first one of the objects is a parent of a second one of the objects;

selecting one or more assets used in the presentation of the web site of the first object;
and

sharing the selected assets of the first object with the second object, wherein each of the selected assets is shared using a mode chosen from a group consisting of
a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset,

a second mode in which both the first and second objects can utilize the asset,
and both the first and second objects can modify the asset, and

a third mode in which the first object can utilize and modify the asset, but wherein the second object can utilize the asset until the second object attempts to modify the asset, at which time a copy of the asset is generated and the second object can utilize and modify the copy of the asset; and

wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes.

22. The computer readable medium of claim 21 wherein if an asset shared between the first object and the second object is also shared between the second object and the third object, the asset is shared between the second object and the third object in a mode which is no less restrictive than the mode in which the asset is shared between the first object and the second object.

23. The computer readable medium of claim 21 wherein the method further comprises the first object and the second object sharing a plurality of assets as a set.

24. The computer readable medium of claim 23 wherein the set comprises a class of assets.

25. The computer readable medium of claim 24 wherein the class of assets is a child of a base asset class.

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26. The computer readable medium of claim 21 wherein the method further comprises the first object and the second object sharing one or more assets individually.

27. The computer readable medium of claim 21 wherein the method further comprises the first object utilizing one or more assets which are not shared with the second object.

28. The computer readable medium of claim 21 wherein the method further comprises the second object utilizing one or more assets which are not shared with the first object.

29. The computer readable medium of claim 21 wherein the method further comprises each object sharing assets only with direct descendants of the object.

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30. A web site system comprising:
two or more web sites;
wherein one of the web sites is a parent and one of the web sites is a child of the parent;
and
wherein the parent has one or more assets used in the presentation of the web site and
wherein the parent and child are configured to share each of the assets using a
set of modes comprising:
a first mode in which both the parent and child can utilize the asset, but only the
parent can modify the asset,
a second mode in which both the parent and child can utilize the asset, and both
the parent and child can modify the asset, and
a third mode in which the parent can utilize and modify the asset, but wherein the
child can utilize the asset until the child attempts to modify the asset, at
which time a copy of the asset is generated and the child can utilize and
modify the copy of the asset.

B. EVIDENCE APPENDIX

Not Applicable

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C. RELATED PROCEEDINGS APPENDIX

Appellant believes that there are no related appeals or interferences.